



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF THE REGIONAL  
ADMINISTRATOR

MAY - 9 2016

The Honorable Anthony D. Johnson  
Chairman  
Nez Perce Tribal Executive Committee  
Nez Perce Tribe  
P.O. Box 305  
Lapwai, Idaho 83540

Dear Chairman Johnson:

I am writing to offer consultation and coordination with the Nez Perce Tribal Executive Committee on impending U.S. Environmental Protection Agency actions at the Portland Harbor Superfund Site.

Our staffs have met regularly since the Portland Harbor Superfund Site was listed on the EPA's National Priorities List in 2000. Consistent with the 2001 Memorandum of Understanding among affected tribes, the EPA, federal natural resource and state agencies, your staff has participated on the Technical Coordinating Team and provided valuable information and feedback throughout all phases of this project. This TCT process will continue through the cleanup of Portland Harbor. Currently, the EPA is completing the Feasibility Study and providing each section as it is developed to your staff for early review. Most recently, I met with your Tribal Executive Committee in January, 2016 as the EPA considered what actions to include in its Proposed Plan to clean up the Portland Harbor Superfund Site.

The EPA is preparing to issue the Feasibility Study and Proposed Plan in May. This will mark the beginning of the public comment period during which we seek comments and information that will help the EPA make a final cleanup decision.

The EPA recognizes its unique legal relationship with Tribal governments as set forth in the United States Constitution, treaties, statutes, executive orders, and court decisions. We want to ensure that we have regular and meaningful consultations with the federally recognized tribal governments affected by the Portland Harbor Superfund Site. This consultation and coordination process will be conducted in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes*, ([www.epa.gov/tribal/consultation/consult-policy.htm](http://www.epa.gov/tribal/consultation/consult-policy.htm)) and the *EPA Region 10 Tribal Consultation and Coordination Procedures* ([http://www.epa.gov/region10/pdf/tribal/consultation/r10\\_tribal\\_consultation\\_and\\_coordination\\_procedures.pdf](http://www.epa.gov/region10/pdf/tribal/consultation/r10_tribal_consultation_and_coordination_procedures.pdf)).


We envision government-to-government consultations as a process of two-way communication that enables us to take into consideration the concerns of the affected federally recognized tribe(s) before the EPA makes its cleanup decision. We would like to tailor this consultation and coordination process to meet the needs and preferences of your Tribal Government.

If the Nez Perce Tribal Executive Committee wishes to schedule a government-to-government consultation regarding the cleanup plan for Portland Harbor, please have your staff contact Deborah

Robinson, project coordinator, to schedule a consultation. Deborah can be reached by email at [robinson.deborah@epa.gov](mailto:robinson.deborah@epa.gov) or by phone at (206) 553-4691.

If you have any questions, please feel free to call me at (206) 553-1234 or have your staff contact Deborah Robinson. I look forward to our continued work on this project as we move towards cleaning up the Portland Harbor Superfund site and creating a safe and healthy environment for everyone.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dennis J. McLerran', with a large, stylized initial 'D' and 'M'.

Dennis J. McLerran  
Regional Administrator

cc: Mr. Samuel N. Penny  
Nez Perce Tribal Executive Committee Member

Ms. Julie Kane  
Managing Attorney